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COMMITTEE ON RELATIONS WITH THE
HOST COUNTRY

LETTER DATED 24 APRIL 1997 FROM THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

I have the honour to refer to the understanding reached at the informal consultations of the Committee on Relations with the Host Country on 18 April 1997 that the open-ended working group on the use of diplomatic motor vehicles, parking and related matters should resume without delay its consideration of practical aspects of the parking problem.

In order to facilitate such a dialogue on realistic and mutually acceptable solutions of the problem, we submit a working paper on measures that could be taken in this connection (see annex).

I kindly request that the attached working paper be circulated as a document of the Committee on Relations with the Host Country and its working group.

I hope that after circulation of the document the working group would resume its deliberations as soon as possible.

(Signed) S. LAVROV

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ANNEX

[Original: Russian]

Working paper submitted by the Russian Federation

A universally accepted solution to the problems of parking diplomatic motor vehicles is an important component part of the creation and maintenance of normal conditions for diplomatic missions to the United Nations to function in New York in accordance with the international obligations of the host country.

The practice for the parking of diplomatic motor vehicles that existed up until 1 April 1997 enabled mission staff to park conveniently enough when performing official duties, thus ensuring the requisite effectiveness of their work. The advantageous parking conditions for diplomats were in many respects similar to those made available by the City for various categories of official and private vehicles of State and City officials and were based on an understanding of the important work performed by diplomatic missions to the United Nations. At the same time, there was no corresponding legal or organizational endorsement of the practice that had evolved, and illegally parked diplomatic vehicles were ticketed, which from time to time gave rise to certain difficulties. The City authorities, while on the one hand officially stating both orally and in writing that diplomats were not obliged to pay parking tickets, on the other hand periodically published data on allegedly unpaid tickets, which objectively facilitated the development of a negative attitude towards the United Nations and the missions accredited to it. Diplomats were accused without justification of violating City legislation. Finally, having decided to change the existing practice, the Mayor of New York disavowed his official representatives dealing with relations with the diplomatic corps, stating that they had been in error when they made the statements referred to above and included passages to the same effect in the brochure published by the Mayor's Office on the occasion of the fiftieth anniversary of the United Nations.

To replace the existing practice, a new parking programme was drawn up by the Federal authorities together with the City and unilaterally put into effect as of 1 April 1997. This was done without holding the necessary consultations with the Committee on Relations with the Host Country, as provided for in General Assembly resolution 51/163 of 16 December 1996, adopted by consensus. As many delegations emphasized, the programme, which was drawn up without taking into account the views of the diplomatic corps, the nature of its activity and its status, led to a marked deterioration in the conditions for the functioning of missions, not to mention the fact that a number of elements in it, as the United Nations Legal Counsel also pointed out, contradict the basic provisions of international law. As a result, the Federal authorities decided to postpone the implementation of that programme (A/51/880).

On the basis of the outcome of discussions in the Committee on Relations with the Host Country and its working group on parking problems, it is proposed that alternative versions of mutually acceptable solutions to this problem should be considered.

1. The most desirable alternative would be to maintain the previously existing advantageous parking arrangements for diplomats performing their official duties, and to give them the appropriate legal and organizational status, for example by making the necessary additions to local legislative or other texts and issuing for diplomats' vehicles special parking permits along the lines of those issued to State and City officials in New York. The intention here is not that these permits would give the right to park in locations where this might constitute a threat to the health of people or to public safety (beside fire hydrants, at bus stops or taxi ranks, across exits or intersections, and so on).

2. If the above proposals are for any reason not acceptable to the host country and the City authorities at the present stage, then a number of steps should be taken which would take at least minimal account of the requirements of the diplomatic corps for the purpose of ensuring its normal functioning. Consideration could be given to the following:

(a) Assigning missions additional parking spaces taking into account the number of vehicles registered by a mission with the State Department (for example, one space for five vehicles, but not less than two and not more than 10);

(b) Issuing for the official vehicles of all permanent representatives special temporary parking permits (as is already done selectively by the city authorities for the vehicles of some heads of missions), which would place all of them on the same footing, bearing in mind also that the Permanent Representative of the host country uses a vehicle with number plates according him official exemption from compliance with the parking regulations in force in New York;

(c) Issuing the necessary quantity of special temporary "bearer" parking permits (for example, one permit for every five vehicles) for use by mission staff performing official duties;

(d) Raising the level of personal responsibility of police officers for issuing unjustified tickets;

(e) Ensuring the prompt towing of vehicles without diplomatic plates occupying spaces reserved for diplomatic parking.

In view of the established procedure for relations between diplomatic missions and the host country authorities, all information on parking-related issues, including information on unjustified tickets, should be sent to the United States Mission to the United Nations for subsequent communication to the appropriate City authorities. Controversial situations could be examined by the Mission concerned and the United States Mission, if necessary involving the Committee on Relations with the Host Country with the participation of specially authorized City representatives.

As for the payment by mission staff of justified tickets for illegal parking, recourse could be had to the procedures contained in the recommendations of the Working Group on Indebtedness, which have already proved their worth, involving the moral obligation of heads of missions to take

appropriate measures to ensure payment of justified parking tickets and also where necessary to avail themselves of the services of the Secretary-General.

In the view of the Russian delegation, measures of this kind are balanced in nature and could be of real help in ensuring compliance by diplomats with the laws and regulations of the host country relating to parking, without infringing on their privileges and immunities and impairing the discharge by the host country of its obligations to create the requisite conditions for the normal functioning of the diplomatic corps.

If agreement can be reached on the main elements of a solution to the parking problem, it could be formalized through the signing of an appropriate document by representatives of the United Nations and the Federal and City authorities.